



# MLDS CENTER

Maryland Longitudinal Data System

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## MEMORANDUM

**TO:** MLDS Governing Board  
**FROM:** Ross Goldstein, Executive Director  
**DATE:** March 6, 2020  
**SUBJECT:** 2020 Legislation

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### Purpose

The purpose of this agenda item is to provide an update on legislation introduced during the 2020 Session of the Maryland General Assembly that impacts the MLDS Center.

### Legislation

1. *HB 711 - Maryland Longitudinal Data System Center - Inclusion of Out-of-Home Placement Data*  
This bill alters the makeup of the Maryland Longitudinal Data System (MLDS) by adding individual-level placement data from State-sponsored out-of-home care. The placement data is data relating to a child's experience with state-sponsored out-of-home care, and includes the supervising jurisdiction, removal reason, characteristics at the time of removal, return reason, placement start and end dates, and placement type. The data would be provided by the Social Services Administration (SSA) within the Department of Human Services (DHS). (Note - the bill does not create a position on the Governing Board for DHS).

The bill requires the MLDS Center to be responsible for generating timely and accurate information about children who received State-sponsored out-of-home care that can be used to improve the State's education and child welfare systems. In addition, the bill specifically requires an annual report to the Governor and General Assembly on the experience of former out-of-home children and how out-of-home placement affects participation in higher education.

*Issues* - The reason this legislation is necessary is because current law specifically states that student data does not include child welfare data. HB 711 does not change the definition of student data to include child welfare data (as was done with the juvenile delinquency data last year). Instead, the bill adds child welfare data as an independent component of the data system along with student education and workforce data (see § 24-702(b) of the bill). It is not clear why the bill was drafted in this manner. Practically speaking, the bill accomplishes the same thing - permitting this new source of data. It does not change the mission of the MLDS because it asks for the same kinds of longitudinal analysis that are consistent with the existing scope of the agency. Further, the bill does not change the role of the Governing Board to oversee the Research Agenda or set limitations on what constitutes longitudinal cross-sector research.

Another issue with this bill is the creation of another annual reporting requirement, which adds to the Center's workload. A letter was sent to the sponsor requesting consideration for changing the requirement from a report to a dashboard. The justification for the request is that dashboards are more efficient and can better communicate the types of data sets contemplated by the requirements in the bill. Further, dashboards are dynamic and can allow the user to tailor the displayed information to meet their needs. Dashboards can also be updated and

expanded as soon as new data are available, rather than waiting to provide data based upon a reporting date. Finally, a dashboard requires less staff time to produce than a formal report. Formal reports require a significant time investment as they have to be re-written each year, while dashboards, once set-up, require minimal effort to maintain.

*Fiscal Impact* - Receiving new data from a new state agency would require additional staff support in the form of a full-time permanent position for an interagency liaison. The MLDS Center has a liaison position for the original partner agencies that provide student and workforce data (MSDE, MHEC, and Labor). The liaisons provide technical and administrative support for the partner agencies and provide the Center with subject matter expertise and management support in the use and administration of the data. The liaisons are fully funded by MLDS Center, but perform 50 percent of their job duties for the partner agency. This model has been very successful in ensuring good data governance and an efficient and collaborative working relationship with the partner agencies.

A liaison position for DJS was requested last year, but has not been established. While a liaison position remains the preferred method for ensuring good data governance and subject matter expertise, the Center has been able to engage the services of a researcher at the University of Maryland, School of Social Work (SSW). The researcher has a long history of working with juvenile services data and has been able to fulfill some of the liaison duties. Given SSW's long history of work with SSA and out-of-home placement data, a similar arrangement can be established. Relying on a SSW researcher will require additional funds for the ongoing interagency agreement between the Center and SSW.

*Update* - The bill was voted out of committee with an amendment changing the reporting requirement to a dashboard.

2. *HB 850 - Maryland Longitudinal Data System Center - Transfer of Student Data - Modifications*

This bill repeals Education Article, Title 11, Subtitle 15. *Collection of Identifying Information on Certificates and Licenses*, and moves the requirements under that subtitle to the Maryland Longitudinal Data System (MLDS) Center (Title 24, Subtitle 7 of the Education Article). Subtitle 15 was established by the *Career Preparation Expansion Act* (Chapter 695, 2018) and requires the Maryland Higher Education Commission (MHEC) to collect and provide the following information to the MLDS Center:

- Professional and occupational licenses from Department of Labor and Department of Health;
- Vocational certificates from Maryland Community Colleges; and
- Industry certifications from a national certifier that receives state funds.

There were a number of legal and procedural issues identified with requirements under Subtitle 15. First, the subtitle requires MHEC to collect the data for the MLDS Center. This results in sensitive data having to be transferred two times (agency to MHEC and MHEC to MLDS), which is inefficient and exposes the data to greater risk. Second, the Assistant Attorney General for the Maryland Department of Health (MDH) noted that there was no explicit requirement to provide personally identifiable information (PII). Without a direct legal requirement, MDH stated that they could not provide PII data. Third, MDH also noted that the original bill required the Secretary of MDH to transfer the data, even though the Secretary does not have authority over the data collected by the 22 independent Health Occupation Boards. Finally, MDH noted

that there was a lack of representation on the MLDS Governing Board to represent the interests of the Health Occupation Boards. This bill addresses those concerns by:

- Authorizing the MLDS Center to directly collect the above information and removes the requirement from MHEC;
- Specifying that the data must include personally identifiable information, which had not been explicitly stated and was a concern for the Department of Health;
- Clarifying that it is the duty of a licensing authority, such as a Health Occupation Board, to provide data to the MLDS,
- Adding a representative of the executive directors of the Health Occupations Boards to the MLDS Governing Board, which addressed the Department of Health's concern about the lack of representation on the MLDS Governing Board; and
- Classifying the above data as "student data," which had not been done in the prior bill, but was necessary to fit in the structure of the MLDS statute.

This bill was created by the Center in collaboration with AAGs from MLDS, MHEC, and MDH. The bill was reviewed by the Governing Board at the December meeting.

*Fiscal Impact* - The proposed data for collection is relatively limited and straightforward and can be collected and integrated into the system using existing resources. However, additional resources may be required to help manage the data collection if each of the 22 Health Occupation Boards report their license information separately, as opposed to a single combined report created by MDH.

Update - The bill was voted out of committee.

3. *SB 1000/HB 1300 - Blueprint for Maryland's Future - Implementation*

The portion of this bill that is directly relevant to the MLDS is the creation of the Accountability and Implementation Board (AI Board) whose duties include evaluating the outcomes achieved during the implementation of the Blueprint for Maryland's Future. The bill authorizes the AI Board to collect data from any relevant entities, including the Maryland Longitudinal Data System (MLDS) (see ED § 5-408(b)(1) on page 71). The legislation goes on to give the AI Board the same access to the MLDS as authorized staff of the Center (see ED §24-703(g) on page 170).

*Issue* - Establishing the MLDS as a data source, as opposed to a source for information, research, and analysis, is problematic for the following reasons. First, the bill compromises data privacy and security by granting the AI Board direct access to the MLDS. Currently access is only permitted for authorized staff of the Center. Since access would be statutorily granted to the AI Board, they would not be required to adhere to the specific requirements necessary for authorized staff: (a) complete a non-disclosure agreement, (b) submit to and pass a criminal history background investigation, (c) take FERPA training courses, (d) complete IT security training courses, and (e) review interagency agreements that dictate the use and limitations of the data. Further, use of the data by staff is limited to a virtual machine within the system. Data cannot be removed from the system until it is reviewed by the Executive Director to ensure that it is aggregated and small cell sizes are suppressed. As currently drafted, these requirements would not apply to the Board's access and use of the MLDS. In addition to potentially compromising data privacy and security, this would violate the terms of the existing data sharing agreements between the MLDS Center and its data sharing partners (MSDE, MHEC, Labor, and DJS). Second, the proposed legislation would frustrate the current governance structure by introducing access and use of the MLDS that is beyond the control of the Governing Board and

the Center. The MLDS' governance structure, established by State Law in 2010 (see ED §24-701 et seq.), provides ongoing accountability to the agencies and stakeholders through the Center's Governing Board, agency liaisons, and advisory committees. This accountability leads to better informed research and analyses because it requires ongoing communication and input from stakeholders and the MLDS Governing Board.

An amendment was drafted and sent to the sponsors that removes the AI Board's direct access to the MLDS and instead provides that the AI Board may request that the Center (a) grant access to an AI Board designated researcher, (b) provide aggregate data tables in response to a request; or (c) conduct research and evaluation requested by the AI Board.

*Update* - The House bill was voted out of committee with amendments addressing the issues raised above.

4. *SB 983 - Maryland Data Analysis and Accountability Program - Established*

The bill establishes the Maryland Data Analysis and Accountability Program, which is administered by the MLDS Center in consultation with MSDE and DoIT. Generally, the purpose of the program is to evaluate the success of the Blueprint for Maryland's Future.

The bill requires the Center to coordinate ongoing data integration efforts using de-identified data from local education agencies and then specifies specific data that should be included (including data from the Department of Health). The bill requires analyses on the key components of the Blueprint and requires the Center to provide transparency of budgeting by tracking appropriations, including the impact of the funds on performance outcomes.

The bill also establishes a nine member board (State Superintendent, Secretaries of Health and Labor, a local Superintendent; and two members appointed by President and two by Speaker) to oversee the administration of the program. Duties include responsibilities for oversight of the system and its security (which is duplicative of the role of the Governing Board). Finally, the bill requires the Center to report the following:

- Longitudinal results from implementing early childhood programs
- Educational and other indicators of student success
- Closing equity and other socioeconomic gaps; and
- Longitudinal results from implementing CCR programs.

*Issues* - The bill raises a number of questions and issues. First, why is a second board necessary? The new board is less comprehensive (i.e. there is no higher education representation) and is assigned some of the same roles and responsibilities as the current Board. Second, it is not clear that the sponsors are aware of the scope of the current data system. The bill reads as though the system needs to be developed and data needs to be collected. The bill references requiring agencies to share de-identified data with the Center. However, currently the system receives identifiable information, which is necessary for data matching purposes. Finally, some of the proposed research is not consistent with the current scope of the Center's data or research.

Dawn O'Croinin and I met with the sponsor of the legislation to understand the goal of the legislation and, where possible, make it consistent with the current structure and operation of the Center. As a result of the discussion, the following amendments were developed:

- Instead of a new subtitle created, a new section under the MLDS subtitle is created

establishing the Data Analysis and Accountability Program with the same set of requirements.

- Adds a provision that clarifies that the Center will provide the Accountability and Implementation Board, established under the Blueprint, with all required evaluations of the outcomes achieved during the implementation of the Blueprint. This language tracks the language in the Blueprint legislation (see 5-402(c)(2)(4) - SB1000).
- Adds two new members to the MLDS Governing Board - one each appointed by the Senate President and Speaker and provides that it is the role of the Governing Board to provide oversight for Data Analysis and Accountability Program. (The new Board established by SB 983 has been removed).

*Fiscal Impact* - The requirements established in the bill would significantly increase the workload of the Center and would require two additional staff positions and increase funding for contracts with university partners and outside consultants. The two full-time staff positions would be a high level program manager to develop reports and coordinate the required work. The data analyst position would manage new data sources that may be necessary and would assist with data requests. The budget for the research branch would need to be increased to fully fund the time of an assistant research professor, statistician, and faculty hours as necessary. In addition, funding will also be required to engage outside consultants for work that cannot be done by the Research Branch because of timing or lack of expertise.